

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Maureen McCafferty-Mattia  
RE: Registered Nurse License - No. E50261

Petition No. 2005-0202-010-015

**MEMORANDUM OF DECISION**

***Procedural Background***

Maureen McCafferty-Mattia (hereinafter "petitioner") was issued registered nurse number E50261 on September 14, 1987.

On January 17, 2001, a Memorandum of Decision was issued by the Board of Examiners for Nursing (hereinafter "the Board") which placed petitioner's registered nurse license on probation. On September 19, 2002, while an investigation was pending concerning her compliance with the terms of probation as set forth in a Memorandum of Decision, petitioner surrendered her registered nurse license.

In a letter dated November 18, 2004, petitioner requested that the Board reinstate her registered nurse license. Dept. Exh. 1.

Pursuant to petitioner's request, the Board issued a Notice of Hearing dated May 8, 2005, scheduling a hearing for June 15, 2005. Board Exh. 1.

The hearing took place on June 15, 2005, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. Transcript, June 15, 2005.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

***Findings of Fact***

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Pursuant to a Consent Order dated July 16, 1997 ("1997 Order"), the Board placed petitioner's registered nurse license on probation for four years. The order was based on petitioner's diversion and abuse of controlled substances while working at Yale-New Haven Hospital during 1996 and 1997, and for her previous abuse of alcohol in 1994. Dept. Exh. 1, tab 4.

2. Pursuant to a Memorandum of Decision dated January 17, 2001 ("2001 Order"), the Board ordered the probation of petitioner's registered nurse license extended for a period of two years. The 2001 Order was based the Board's findings that petitioner failed to comply with the requirements of the 1997 Order, in that a random urine screen to which petitioner submitted on February 4, 2000 tested positive for the presence of alcohol. Dept. Exh. 1, tab 4.
3. On September 19, 2002, while an investigation was pending concerning her compliance with the terms of probation as set forth in the 2001 Order, petitioner surrendered her registered nurse license. Dept. Exh. 1, tab 4.
4. On May 13, 2003, petitioner was admitted to Silver Hill Hospital, New Canaan, Connecticut for treatment of cocaine dependence. On May 22, 2003, petitioner self-referred to the Connecticut Mental Health Center, Substance Abuse Treatment Unit ("SATU"), New Haven, Connecticut for continued substance abuse treatment. Other than a single relapse in August 2003, petitioner has been compliant with her treatment at SATU. Dept. Exh. 1, tab 5a.
5. Since August 2003, petitioner's urine drug and alcohol screening results have been negative for the presence of alcohol and/or drugs. Dept. Exh. 1, tab 5a.
6. Since 2003, petitioner has been an active participant in Alcoholics Anonymous. Dept. Exh. 1, tab 5c; Resp. Exh. A.
7. Since 2003, petitioner has been employed as a medical/science instructor at Stone Academy, Hamden, Connecticut. Petitioner teaches medical assistant students. Petitioner's employer reports that petitioner has met the objectives set for her. Dept. Exh. 1, tab 5b; Resp. Exh. C.
8. Petitioner's treaters at SATU report that petitioner's participation and attendance in therapy has been consistent and has focused on relapse prevention. Petitioner's treaters are of the opinion that she can return to the practice of nursing. Dept. Exh. 1, tab 5c; Resp. Exh. B.

### ***Discussion and Conclusions of Law***

As stated in the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a registered nurse with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Evidence from a licensed therapist documenting her drug free status and participation in therapy and counseling;
2. Personal references addressing her drug free status, emotional health, and work habits;
3. Documentary evidence from her current and past employers;
4. Documentary evidence of random, legally defensible screens for drugs and alcohol conducted by a therapist or physician;
5. Documentation of participation in support groups.

The Board finds that the petitioner has presented relevant and credible evidence to sustain her burden of satisfying the Board of her ability to return to the practice of nursing under the terms of the Order described below.

***Order***

Pursuant to its authority under §§ 19a-17 and 20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. The registered nurse license E50261, of petitioner, Maureen McCafferty-Mattia, shall be reinstated and placed on probation for a period of four (4) years commencing on November 1, 2005, the effective date of this decision.
2. If any of the following conditions of probation are not met, petitioner's registered nurse license may be subject to disciplinary action pursuant to § 19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.  
Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.
  - B. Petitioner shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. Petitioner shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.
  - D. If employed as a nurse, petitioner shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.

- E. The employer reports cited in Paragraph 3D above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3P below.
- F. Should petitioner's employment as a nurse be involuntarily terminated or suspended, respondent and her employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- G. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph 3P below.
- H. At her expense, petitioner shall continue to engage in therapy and counseling for chemical dependency with a Connecticut licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- I. Petitioner shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Petitioner shall cause evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of petitioner's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph 3P below.
- L. (1) At her expense, petitioner shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the

Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.

(2) Petitioner shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the petitioner shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:

1. A list of controlled substances prescribed by this provider for the petitioner;
2. A list of controlled substance(s) prescribed by other providers;
3. An evaluation of the petitioner's need for the controlled substance;
4. An assessment of the petitioner's continued need for the controlled substance(s).

(3) There must be at least two (2) such random alcohol/drug screen monthly during the entire probationary period.

(4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

(5) Random alcohol/drug screens must include testing for the following substances:

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

(6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph P below, by petitioner's therapist, personal physician or the testing laboratory.

M. Petitioner shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Petitioner shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

- N. Petitioner is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- P. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, Nurse Consultant**  
**Department of Public Health**  
**Division of Health Systems Regulation**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

- 3. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that petitioner has violated this Order will subject petitioner to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to petitioner's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).
- 4. This Memorandum of Decision becomes effective, and the four (4) year probation of registered nurse license No. E50261 shall commence, on November 1, 2005.

The Board of Examiners for Nursing hereby informs petitioner, Maureen McCafferty-Mattia, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 19<sup>th</sup> day of October, 2005.

BOARD OF EXAMINERS FOR NURSING

By Nancy B. Smith

### CERTIFICATION

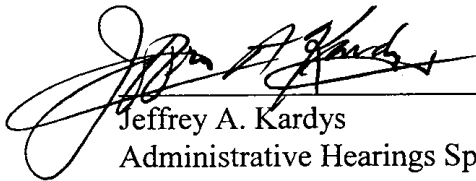
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19th day of October 2005, by certified mail, return receipt requested, and first class mail to:

Maureen McCaferty-Mattia  
120 Shawmut Avenue  
North Haven, CT 06473

Certified Mail RRR #9171082133393135330511

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office